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Woolrych, Humphry
William

Private executions

London

[1867]

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MASTER NEGATIVE #

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PRIVATE EXECUTIONS.

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BY

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HUMPHRY W. WOOLRYCH,
Sergeant-at-Law.

“What!

Kill men i' the dark.”—*Othello*.

“Let us die in the daylight.”

LONDON:
G. EDGAR, 6, LOWER PORCHESTER STREET,
OXFORD SQUARE, W.

THREEPENCE.

PRIVATE EXECUTIONS.

It is proposed in cases of Murder to adopt a Process of execution, entirely new to this country. It is according to the new Bill, to be private, intramural,—in the prison.

If this project be sanctioned, a change of a very extraordinary character will take place, so remarkable that, if it were only for this proposition, the progress of the Bill should be regarded with jealousy.

It is a truism that punishments are ordained for examples to others, and for the repression of crime. In the case of an execution for murder, the punishment must, of course, be viewed with reference to its effect upon society.

Now it is not easy to understand that a public spectacle is not more imposing than a series of ceremonies unknown to the multitude. Indeed, such is the credulity of mankind, that numbers will never credit the fact of many executions although attested by numerous witnesses and surrounded by solemn formalities. The death you inflict is intended as a warning to the country, but you do not allow the people for whose benefit it is done, to behold the severity and honesty of your justice. It would be like flogging a boy in the Schoolmaster's private room for the

good of the School. True it may be, that the magnitude of the penalty may, for the moment, excite a savage feeling in a crowd; but although no care is taken to make a public execution deeply impressive, there is almost invariably a reverent hush when the chief character of the morning appears on the scaffold. Possibly the feelings of human nature are sorely tried at a holocaust of that nature; but that affords no reason why you should translate a deed which men at large can scarcely endure, to a private cell, where a few select persons and officials must, perchance, witness the struggle and the rituals; but where the beacon for example will be absent, and the gleam of hope that the open vindication of the law may have an occasional effect, will be extinguished.

The dying person will be deprived of the inalienable right of an English citizen, to confess the crime, or publicly proclaim his innocence.

When Judge Burnet pronounced sentence upon a horse-stealer, he said, "Man!" you are not to be *hanged* for stealing a *horse*, but "that horses may not be stolen." Our profession is that we hang to deter from murder; surely the destruction of a person underground, known to the few, but imaginary to the majority, can never raise the standard of example or the principle of prevention.

Again, with some, certainly, though rare exceptions, the conduct of intelligent foreign countries is, in this respect, the reverse of our newly proposed system.

Our nearest continental neighbours, and part of the United Kingdom, (for the act does not extend to Scotland,)

adhere to the natural proceeding of presenting the evil doer to the gaze of his countrymen.

At a public meeting of learned men, a few evenings since, many were against the abolition of the punishment of death, but all opposed private executions.

The criminal has a moral right to the expression of public opinion, as well as to the declaration of his own dying aspirations. The man who suffers for the murder of a gamekeeper, or the woman who dies for the killing of a child, has the right at the last hour that there may be a voice from those around to condemn or to applaud, or regard in silence the execution of the sentence. On these scores there must be silence *in the inner prison*. A man takes life unlawfully: the country requires *his* life, but that life ought to be sacrificed, not secretly, but in the face of the country which requires it.

Another important feature attends this intramural, this dark transaction. It will come into force throughout the country. How often do we see savage scenes in which the culprit is almost dragged to the Gallows! How often is the inefficient skill of the executioner, the cause of great suffering to the convict! Now the facts are open to the world. Close the scene: the sufferings will be in secret, may be *aggravated*, at all events, will be hidden in a mystery at once appalling and delusive.

"Segnius irritant animos demissa per aures,
Quam quae sunt oculis subiecta fidelibus."

The advocates of Secret Executions are without excuse. They pronounce for a procedure not only unknown to our Constitution, but foreign to the habit of the majority of civilized nations. They bend to a mawkish sentimentality not in the least in union with those manly feelings which, if we must have the punishment of death, ought to compel us to view it openly.

After all, except in London, (and then only occasionally,) *order has prevailed at executions throughout this country.* For the sake then of one or two noisy outbreaks we are to surrender our natural and political rights to superficial innovators.

After all, this is a Poor Man's Question: and so is Capital Punishment itself if men would but reflect. Most rare is it now that murder is committed by any one apart from the lowest rank and meanest intellect. Poisoners form the exception; but, as long as you adopt death as your penalty, they are of all people those who should be publicly hanged for the satisfaction of the world.

The poor man, has a right, to know the fate of his fellow-man. He is the person to profit by example, if profit there be in the execution of a capital sentence.

The educated seldom resort to crimes of *Violence*—even duelling is extinguished. The meanest, the most stupid creatures little above animal creation, are the authors of murder; and instead of exhibiting them to a crowd which always stills in solemn silence when the doomed man appears, you propose to strangle them in a cell, I say, to do so, is contrary to the genius of this country.

And what do you substitute? Naturally enough, that the prisoner should be put to death, not in the presence of many, but of a select few, who need no example to deter *them*. The Sheriff, the Governor, Chaplain and Surgeon of the Prison, and such other officers as the Sheriff may require. Any Justice for the County, Borough, or other Jurisdiction to which the Prison belongs.

Such persons as the Sheriff or visiting Justices may think proper to admit. So far the assembly is select and secret enough. But now come the ceremonials, calculated to dispel all suspicion and satisfy the extreme of incredulity.

First then, the Surgeon examines the body, ascertains the fact of death, and delivers a certificate of it to the Sheriff. Upon which the Sheriff, Governor and Chaplain, and such Justices or other persons as the Sheriff requires or allows, sign a declaration that judgment of death has been executed. The Coroner now appears with his Jury. These need not be present at the Execution. An inquest is to be held within twenty-four hours after the death, and the Jury shall enquire into and ascertain the identity of the body, and the due execution of the judgment. The inquisition to be in duplicate and one original to be delivered to the Sheriff. No officer of the prison or prisoner to be upon the inquest. The Certificate, Declaration, and Duplicate to be exhibited for some hours near to the principal entrance of the prison. The body is then, as now, to be buried.

This is the substitution for the time honoured custom, both amongst Jews and Gentiles, of convincing an assembled multitude that, if a person takes the life of another, he shall be seen to expiate it by the loss of his own.

It must not be lost sight of, that this act does not extend to Scotland, where the criminal is openly executed close to the "Heart of Mid-Lothian," nor to High Treason, so that a traitor would still be liable to be publicly exposed on the scaffold. For the honour of our country, for the honour of other countries, where private executions are unknown, let us hope that this modern incubation may never see the light.

"Come the eleventh Plague, rather than this should be ;
Come sink us rather in the sea.
Come rather pestilence and reap us down :
Come God's sword rather than our own.
Let rather Roman come again,
Or Saxon, Norman, or the Dane.
In all the bonds we ever bore ;
We grieved, we sighed, we wept, we never blushed before."

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